

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

EDWARD CARTER, FRANK FIORILLO, KEVIN
LAMM, JOSEPH NOFI, and THOMAS SNYDER,

Plaintiffs,

V.

INCORPORATED VILLAGE OF OCEAN BEACH;
MAYOR JOSEPH C. LOEFFLER, JR., individually
and in his official capacity; former mayor NATALIE K.
ROGERS, individually and in her official capacity;
OCEAN BEACH POLICE DEPARTMENT; ACTING
DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity; SUFFOLK
COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY DEPARTMENT
OF CIVIL SERVICE; and ALISON SANCHEZ,
individually and in her official capacity,

Defendants.

**DECLARATION OF ANDREW S. GOODSTADT SUPPORTING PLAINTIFFS'
OPPOSITIONS TO ALL DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

I, Andrew S. Goodstadt, hereby declare under penalty of perjury:

I am a partner in the law firm of Thompson Wigdor & Gilly LLP, counsel of record for Plaintiffs Edward Carter, Frank Fiorillo, Kevin Lamm, Joseph Nofi and Thomas Snyder ("Plaintiffs"). I submit this declaration in support of Plaintiffs' Oppositions to All Defendants' Motions for Summary Judgment.

1. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint filed by Plaintiffs, dated March 21, 2007.

2. Attached hereto as Exhibit 2 is a true and correct copy of the Answer filed by Incorporated Village of Ocean Beach; Mayor Joseph C. Loeffler, Jr., individually and in his

official capacity; former Mayor Natalie K. Rogers, individually and in her official capacity; Ocean Beach Police Department and Acting Deputy Police Chief George B. Hesse, individually and in his official capacity, dated May 1, 2007.

3. Attached hereto as Exhibit 3 is a true and correct copy of the Answer filed by Suffolk County, Suffolk County Police Department, Suffolk County Department of Civil Service, and Alison Sanchez, dated May 9, 2007.

4. Attached hereto as Exhibit 4 is a true and correct copy of Plaintiffs' First Set of Interrogatories to Defendants Incorporated Village of Ocean Beach, Mayor Joseph C. Loeffler, Jr., Former Mayor Natalie K. Rogers, and Ocean Beach Police Department, dated July 11, 2007.

5. Attached hereto as Exhibit 5 is a true and correct copy Ocean Beach Defendants' Response to Plaintiffs' First Set of Interrogatories, dated November 9, 2007.

6. Attached hereto as Exhibit 6 is a true and correct copy of Plaintiffs' First Set of Interrogatories to Defendant George B. Hesse, dated July 11, 2007.

7. Attached hereto as Exhibit 7 is a true and correct copy of Defendant Acting Deputy Police Chief George B. Hesse's Responses and Objections to Plaintiffs' First Set of Interrogatories, dated June 20, 2008.

8. Attached hereto as Exhibit 8 is a true and correct copy of Defendant Acting Deputy Police Chief George B. Hesse's Responses and Objections to Plaintiffs' Second Set of Interrogatories, dated August 5, 2009.

9. Attached hereto as Exhibit 9 is a true and correct copy of Plaintiffs' Third Set of Interrogatories to Suffolk County Defendants and exhibits, dated July 10, 2009.

10. Attached hereto as Exhibit 10 is a true and correct copy of County Defendants' Responses to Third Set of Interrogatories, dated August 5, 2009.

11. Attached hereto as Exhibit 11 is a true and correct copy of Defendant Sanchez's Responses to First Set of Interrogatories, dated August 11, 2009.

12. Attached hereto as Exhibit 12 is a true and correct copy of Defendant Sanchez's Supplemental Responses to First Set of Interrogatories, dated September 14, 2009.

13. Attached hereto as Exhibit 13 is a true and correct copy of the transcript from a telephone conversation between Edward Carter and George Hesse.

14. Attached hereto as Exhibit 14 is a true and correct copy of the transcript from a telephone conversation between Edward Carter and George Hesse.

15. Attached hereto as Exhibit 15 is a true and correct copy of the transcript from a telephone conversation between Kevin Lamm and Chris Moran.

16. Attached hereto as Exhibit 16 is a true and correct copy of the transcript from a telephone conversation between Kevin Lamm and Chris Moran.

17. Attached hereto as Exhibit 17 is a true and correct copy of the "Ocean Beach Police Corruption" thread from the online forum the *Schwartz Report*, posts No. 1 through 619.

18. Attached hereto as Exhibit 18 is a true and correct copy of the recent posts of the "Ocean Beach Police Corruption" thread from the online forum the *Schwartz Report*, posts No. 620 through 621.

19. Attached hereto as Exhibit 19 is a true and correct copy of the online summary of the “Ocean Beach Police Corruption” thread from the online forum the *Schwartz Report*.

20. Attached hereto as Exhibit 20 are true and correct copies of the Affidavit of Martin Schwartz, dated June 30, 2009, and Subpoena Response.

21. Attached hereto as Exhibit 21 is a true and correct copy of Plaintiffs’ document production Bates-numbered P 535.

22. Attached hereto as Exhibit 22 are true and correct copies of Facebook, Inc.’s document production pursuant to a subpoena, Bates-numbered FB 154 through FB 275.

23. Attached hereto as Exhibit 23 are true and correct copies of Cablevision, Inc.’s document production pursuant to a subpoena, Bates-numbered Cablevision 009 through Cablevision 020.

24. Attached hereto as Exhibit 24 are true and correct copies of Southampton Town Police Department’s document production pursuant to a subpoena, Bates-numbered STPD 001 through STPD 013.

25. Attached hereto as Exhibit 25 is a true and correct copy of Defendant Incorporated Village of Ocean Beach’s document production, Bates-numbered 010177 and 010179 through 010181.

26. Attached hereto as Exhibit 26 is a true and correct copy of Exhibit 3 from the deposition of Cynthia Distefano, taken on June 5, 2009.

27. Attached hereto as Exhibit 27 is a true and correct copy of Indictment Numbers in the case *People of New York v. George Hesse, et al.*

28. Attached hereto as Exhibit 28 is a true and correct copy of an untitled two-page chart regarding the Civil Service Exam.

29. Attached hereto as Exhibit 29 is a true and correct copy of the first page of Exhibit 8 from the deposition of Mary Anne Minerva, taken on November 7, 2008.

30. Attached hereto as Exhibit 30 is a true and correct copy of the Ocean Beach Police Department personnel roster of police officers since 1996.

31. Attached hereto as Exhibit 31 is a true and correct copy of an email from Phil Cohen to Stanley Pelc, dated May 2, 2007.

32. Attached hereto as Exhibit 32 is a true and correct copy of a letter from Thomas Canning to Chief Edward T. Paradiso, dated October 3, 2005.

33. Attached hereto as Exhibit 33 are true and correct copies of Plaintiffs' document production, Bates-numbered P20, P 21, P 23, P 30, P 40, P 43, P 47, P 50, P 54, P 67, P 74 and P 929.

34. Attached hereto as Exhibit 34 are true and correct copies of Plaintiffs' document production, Bates-numbered P 925, P 169 and P 454.

35. Attached hereto as Exhibit 35 are true and correct copies of Plaintiffs' document production, Bates-numbered P 244 through P 247.

36. Attached hereto as Exhibit 36 is a true and correct copy of Plaintiffs' document production, Bates-numbered P 317.

37. Attached hereto as Exhibit 37 is a true and correct copy of Plaintiffs' document production, Bates-numbered P 338.

38. Attached hereto as Exhibit 38 are true and correct copies of Plaintiffs' document production, Bates-numbered P 369 through P 399.

39. Attached hereto as Exhibit 39 is a true and correct copy of Plaintiffs' document production, Bates-numbered P 403.

40. Attached hereto as Exhibit 40 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 004431, and Plaintiffs' document production, Bates-numbered P 535.

41. Attached hereto as Exhibit 41 is a true and correct copy of Plaintiffs' document production, Bates-numbered P 407.

42. Attached hereto as Exhibit 42 is a true and correct copy of Exhibit 20 from the deposition of Mary Anne Minerva, taken on November 7, 2008.

43. Attached hereto as Exhibit 43 is a true and correct copy of Exhibit 1 from the deposition of Joseph C. Loeffler, Jr., taken on February 25, 2009.

44. Attached hereto as Exhibit 44 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 003856.

45. Attached hereto as Exhibit 45 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 003847.

46. Attached hereto as Exhibit 46 is a true and correct copy of Exhibit 5 from the deposition of George Hesse, taken on June 3, 2009.

47. Attached hereto as Exhibit 47 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 003196 through 003198.

48. Attached hereto as Exhibit 48 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 003194 through 003195.

49. Attached hereto as Exhibit 49 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 003192 through 003193.

50. Attached hereto as Exhibit 50 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 003183.

51. Attached hereto as Exhibit 51 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 003185.

52. Attached hereto as Exhibit 52 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 003186.

53. Attached hereto as Exhibit 53 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 003184.

54. Attached hereto as Exhibit 54 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 002662.

55. Attached hereto as Exhibit 55 is a true and correct copy of Collier County Sherriff's Office's document production pursuant to a subpoena, Bates-numbered 0147 through 0150.

56. Attached hereto as Exhibit 56 is a true and correct copy of Town of Babylon's document production pursuant to a subpoena, Bates-numbered TB 09.

57. Attached hereto as Exhibit 57 is a true and correct copy of Exhibit 17 from the deposition of Edward Paradiso, taken on July 27, 2009.

58. Attached hereto as Exhibit 58 is a true and correct copy of Exhibit 19 from the deposition of Edward Paradiso, taken on July 27, 2009.

59. Attached hereto as Exhibit 59 is a true and correct copy of Exhibit 20 from the deposition of Edward Paradiso, taken on July 27, 2009.

60. Attached hereto as Exhibit 60 is a true and correct copy of Exhibit 9 from the deposition of Paul Carollo, taken on August 11, 2009.

61. Attached hereto as Exhibit 61 is a true and correct copy of Exhibit 12 from the deposition of Mary Anne Minerva, taken on November 7, 2008.

62. Attached hereto as Exhibit 62 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 005875.

63. Attached hereto as Exhibit 63 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 010185 through 010187.

64. Attached hereto as Exhibit 64 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 001005.

65. Attached hereto as Exhibit 65 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 010182 through 010184.

66. Attached hereto as Exhibit 66 is a true and correct copy of Exhibit 4 from the deposition of Cynthia Distefano, taken on June 5, 2009.

67. Attached hereto as Exhibit 67 is a true and correct copy of Exhibit 10 from the deposition of Cynthia Distefano, taken on June 5, 2009.

68. Attached hereto as Exhibit 68 is a true and correct copy of Exhibit 11 from the deposition of Cynthia Distefano, taken on June 5, 2009.

69. Attached hereto as Exhibit 69 is a true and correct copy of Exhibit 12 from the deposition of Cynthia Distefano, taken on June 5, 2009.

70. Attached hereto as Exhibit 70 is a true and correct copy of Defendant Incorporated Village of Ocean Beach's document production, Bates-numbered 000028.

71. Attached hereto as Exhibit 71 is a true and correct copy of the Civil Service Rules for the Suffolk County Department of Civil Service, dated April 2004.

72. Attached hereto as Exhibit 72 is a true and correct copy of an Opinion from Attorney-General Hamilton Ward, titled "Civil Service – Increases in Salaries – Continuous Time Service Pay – Commutation in Lieu of Maintenance – Laws of 1930, Chapter 685."

73. Attached hereto as Exhibit 73 is a true and correct copy of the Affidavit of Edward Carter in Support of Plaintiffs' Rule 56.1 Counter-Statements of Material Facts in Dispute, dated December 29, 2009.

74. Attached hereto as Exhibit 74 is a true and correct copy of the Affidavit of Frank Fiorillo in Support of Plaintiffs' Rule 56.1 Counter-Statements of Material Facts in Dispute, dated December 29, 2009.

75. Attached hereto as Exhibit 75 is a true and correct copy of the Affidavit of Kevin Lamm in Support of Plaintiffs' Rule 56.1 Counter-Statements of Material Facts in Dispute, dated December 29, 2009.

76. Attached hereto as Exhibit 76 is a true and correct copy of the Affidavit of Joseph Nofi in Support of Plaintiffs' Rule 56.1 Counter-Statements of Material Facts in Dispute, dated December 29, 2009.

77. Attached hereto as Exhibit 77 is a true and correct copy of the Affidavit of Thomas Snyder in Support of Plaintiffs' Rule 56.1 Counter-Statements of Material Facts in Dispute, dated December 29, 2009.

78. Attached hereto as Exhibit 78 is a true and correct copy of the deposition of Edward Carter, taken on September 16, 2008.

79. Attached hereto as Exhibit 79 is a true and correct copy of the deposition of Joseph Nofi, taken on September 9, 2008. Frank Fiorillo, taken on February 20, 2009.

80. Attached hereto as Exhibit 80 is a true and correct copy of the deposition of Thomas Snyder, taken on September 24, 2008.

81. Attached hereto as Exhibit 81 is a true and correct copy of the deposition of Frank Fiorillo, taken on February 20, 2009.

82. Attached hereto as Exhibit 82 is a true and correct copy of the deposition of Kevin Lamm, taken on November 19, 2008.

83. Attached hereto as Exhibit 83 is a true and correct copy of the deposition of Paul Carollo, taken on August 11, 2009.

84. Attached hereto as Exhibit 84 is a true and correct copy of the deposition of Tyree Bacon, taken on February 12, 2009.

85. Attached hereto as Exhibit 85 is a true and correct copy of the deposition of Richard Bosetti, taken on February 10, 2009.

86. Attached hereto as Exhibit 86 is a true and correct copy of the deposition of Gary Bosetti, taken on February 23, 2009.

87. Attached hereto as Exhibit 87 is a true and correct copy of the deposition of Allison Sanchez, taken on February 18, 2009.

88. Attached hereto as Exhibit 88 is a true and correct copy of the deposition of Mary Anne Minerva, taken on November 7, 2008.

89. Attached hereto as Exhibit 89 is a true and correct copy of the deposition of Cynthia Distefano, taken on June 5, 2009.

90. Attached hereto as Exhibit 90 is a true and correct copy of the deposition of George Hesse, taken on June 3, 2009.

91. Attached hereto as Exhibit 91 is a true and correct copy of the deposition of Edward Paradiso, taken on July 27, 2009.

92. Attached hereto as Exhibit 92 is a true and correct copy of the deposition of Natalie K. Rogers, taken on November 14, 2009.

93. Attached hereto as Exhibit 93 is a true and correct copy of the deposition of Joseph C. Loeffler, taken on February 25, 2009.

94. Attached hereto as Exhibit 94 is a true and correct copy of the deposition of Christopher Moran, taken on June 8, 2009.

95. Attached hereto as Exhibit 95 is a true and correct copy of the deposition of Patrick Cherry, taken on November 18, 2008.

Dated: December 29, 2009
New York, New York



Andrew S. Goodstadt